

231 U. S. Cases Disposed of Without Consideration by the Court.

certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. *Mr. Edward C. Goodwin* for the petitioner. *Mr. Chas. Marshall Johnston* for the respondent.

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NO. 795. CHARLES S. INTERMELA, ETC., PETITIONER, *v.* DAVID PERKINS. January 5, 1914. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Walter S. Penfield* for the petitioner. *Mr. Chas. E. Shepard* for the respondent.

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CASES DISPOSED OF WITHOUT CONSIDERATION  
BY THE COURT, FROM OCTOBER 13, 1913, TO  
JANUARY 5, 1914.

NO. 145. UNION PACIFIC RAILROAD COMPANY, APPELLANT, *v.* THE CITY OF GREELEY ET AL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. October 14, 1913. Dismissed with costs, on motion of *Mr. A. A. Hoehling, Jr.*, for the appellant. *Mr. Maxwell Evarts* and *Mr. A. A. Hoehling, Jr.*, for the appellant. *Mr. John M. Thurston*, *Mr. E. E. Whitted*, *Mr. W. S. Summers*, *Mr. Joseph C. Helm*, *Mr. W. H. Bryant* and *Mr. Joseph C. Ewing* for the appellees.

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NO. 31. NORTHWESTERN PACIFIC RAILROAD COMPANY, PLAINTIFFS IN ERROR, *v.* THE UNITED STATES. In error to the District Court of the United States for the Northern District of California. October 14, 1913. Dismissed on motion of *Mr. Evans Browne*, in behalf of counsel for the

Cases Disposed of Without Consideration by the Court. 231 U. S.

plaintiff in error. *Mr. Edward M. Cleary* for the plaintiff in error. *The Attorney General* for the defendant in error.

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No. 331. NORTHERN PACIFIC RAILWAY COMPANY, APPELLANT, *v.* KING COUNTY, WASHINGTON, ET AL. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. October 14, 1913. Dismissed with costs, per stipulation of counsel, on motion of *Mr. Evans Browne* for the appellant. *Mr. C. W. Bunn* and *Mr. A. B. Browne* for the appellant. *Mr. Hugh M. Caldwell* for the appellees.

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No. 125. THE TITLE GUARANTY & SURETY COMPANY, PLAINTIFF IN ERROR, *v.* THE UNITED STATES TO THE USE OF THE GENERAL ELECTRIC COMPANY. In error to the United States Circuit Court of Appeals for the Third Circuit. October 15, 1913. Dismissed per stipulation of counsel. *Mr. Russell H. Robbins* and *Mr. Jas. F. Campbell* for the plaintiff in error. *Mr. H. B. Gill* and *Mr. Louis Barcroft Runk* for the defendant in error.

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No. 132. ADAMS EXPRESS COMPANY, PLAINTIFF IN ERROR, *v.* KASKELL SOLOMON ET AL. In error to the Superior Court of the State of Pennsylvania. October 15, 1913. Judgment reversed, with costs, per stipulation of counsel, and cause remanded for further proceedings. *Mr. Charles F. Patterson* for the plaintiff in error. *Mr. Harry J. Nesbit* for the defendants in error.

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No. 428. JOHN MCKAY, PLAINTIFF IN ERROR, *v.* THE UNITED STATES OF AMERICA. In error to the District

231 U. S. Cases Disposed of Without Consideration by the Court.

Court of the United States for the District of Minnesota. October 15, 1913. Dismissed per stipulation of counsel. *Mr. Albert R. Moore* for the plaintiff in error. *The Attorney General* for the defendant in error.

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No. 429. ROSE MCKAY, PLAINTIFF IN ERROR, *v.* THE UNITED STATES OF AMERICA. In error to the District Court of the United States for the District of Minnesota. October 15, 1913. Dismissed per stipulation of counsel. *Mr. Albert R. Moore* for the plaintiff in error. *The Attorney General* for the defendant in error.

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No. 637. LUCY GRACE MUSICA, PLAINTIFF IN ERROR, *v.* THE STATE OF LOUISIANA. In error to the First City Criminal Court of the Parish of Orleans, State of Louisiana. October 15, 1913. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Henry L. Lazarus* for the plaintiff in error. No appearance for the defendant in error.

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No. 638. LOUISE MUSICA, PLAINTIFF IN ERROR, *v.* THE STATE OF LOUISIANA. In error to the First City Criminal Court of the Parish of Orleans, State of Louisiana. October 15, 1913. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr. Henry L. Lazarus* for the plaintiff in error. No appearance for the defendant in error.

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No. 195. GEORGE H. BEDDOW, PLAINTIFF IN ERROR, *v.* THE UNITED STATES. In error to the District Court of

Cases Disposed of Without Consideration by the Court. 231 U. S.

the United States for the Western District of Michigan. October 15, 1913. Dismissed pursuant to the tenth rule. *Mr. M. M. Riley* for the plaintiff in error. *The Attorney General* for the defendant in error.

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NO. 70. GEORGE WELSCH, PLAINTIFF IN ERROR, *v.* CLEMENT L. RILEY, AS AUDITOR OF LICKING COUNTY, OHIO, ET AL. In error to the Supreme Court of the State of Ohio. October 20, 1913. Dismissed per stipulation, on motion of *Mr. Frank Davis, Jr.*, for the defendants in error. *Mr. R. W. McCoy*, *Mr. Roderic Jones* and *Mr. J. Howard Jones* for the plaintiff in error. *Mr. Timothy S. Hogan* and *Mr. Frank Davis, Jr.*, for the defendants in error.

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NO. 222. JOHN W. BROWN, PLAINTIFF IN ERROR, *v.* CLEMENT L. V. HOLTZ, AS COUNTY TREASURER, ETC., ET AL. In error to the Supreme Court of the State of Ohio. October 20, 1913. Dismissed per stipulation, on motion of *Mr. Frank Davis, Jr.*, for the defendants in error. *Mr. Fred C. Rector* for the plaintiff in error. *Mr. Timothy S. Hogan* and *Mr. Frank Davis, Jr.*, for the defendants in error.

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NO. 146. UNION PACIFIC RAILROAD COMPANY, APPELLANT, *v.* THE DENVER, LARAMIE & NORTHWESTERN RAILWAY COMPANY. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. October 24, 1913. Dismissed with costs, on motion of *Mr. A. A. Hoehling, Jr.*, for the appellant. *Mr. Maxwell Evarts* and *Mr. A. A. Hoehling, Jr.*, for the appellant. *Mr. W. H. Bryant* for the appellee.

231 U. S. Cases Disposed of Without Consideration by the Court.

No. 51. ST. LOUIS GUNNING & ADVERTISING COMPANY, PLAINTIFF IN ERROR, *v.* CITY OF ST. LOUIS ET AL. In error to the Supreme Court of the State of Missouri. October 24, 1913. Dismissed per stipulation. *Mr. Morton Jourdan* for the plaintiff in error. *Mr. William E. Baird* and *Mr. Lambert E. Walther* for the defendants in error.

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No. 113. JAMES TALCOTT, APPELLANT, *v.* ALFRED E. OMMEN, AS TRUSTEE, ETC.; and

No. 114. ALFRED E. OMMEN, AS TRUSTEE, ETC., APPELLANT, *v.* JAMES TALCOTT. Appeals from the United States Circuit Court of Appeals for the Second Circuit. October 27, 1913. Dismissed without costs to either party, per stipulation of counsel. *Mr. Arthur C. Rounds* for Talcott and *Mr. Frederick M. Czaki* for Ommen, trustee.

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No. 32. THE SINGER MANUFACTURING COMPANY, APPELLANT, *v.* WIRT ADAMS, STATE REVENUE AGENT OF MISSISSIPPI, ET AL. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. October 31, 1913. Dismissed with costs, on joint motion of counsel for both parties. *Mr. C. H. Alexander* and *Mr. J. M. Flowers* for the appellant. *Mr. Edward Mayes* for the appellees.

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No. 49. HENRY C. LOEB, TRUSTEE IN BANKRUPTCY OF THE BLOCK MERCANTILE COMPANY, APPELLANT, *v.* GERMANIA SAVINGS BANK & TRUST COMPANY. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. November 4, 1913. Dismissed with costs,

Cases Disposed of Without Consideration by the Court. 231 U. S.

pursuant to the tenth rule. *Mr. W. A. Percy* for the appellant. *Mr. J. Hirsh* for the appellee.

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No. 53. ELVIRA FERNANDEZ BLANCO ET AL., APPELLANTS, *v.* JOSE ANTONIO FERNANDEZ Y PEREZ ET AL. Appeal from the District Court of the United States for Porto Rico. November 5, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Francis H. Dexter* for the appellants. *Mr. Willis Sweet* for the appellees.

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No. 387. LENA DUPUIS, APPELLANT, *v.* SAMUEL W. BACKUS, COMMISSIONER OF IMMIGRATION, ETC. Appeal from the District Court of the United States for the Northern District of California. November 6, 1913. Dismissed with costs on motion of counsel for the appellant. *Mr. Corry M. Stadden* for the appellant. *The Attorney General* for the appellee.

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No. 81. WILLIAM S. TEVIS ET AL., PLAINTIFFS IN ERROR, *v.* JEPP RYAN ET AL. In error to the Supreme Court of the Territory of Arizona. November 10, 1913. Dismissed with costs, on motion of *Mr. Evans Browne*, in behalf of counsel for the plaintiffs in error, and cause remanded to the Supreme Court of the State of Arizona. *Mr. A. C. Baker* for the plaintiffs in error. No appearance for the defendants in error.

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No. 123. THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* THE STARR GRAIN

231 U. S. Cases Disposed of Without Consideration by the Court.

& LUMBER COMPANY. In error to the Supreme Court of the State of Kansas. November 10, 1913. Dismissed with costs, on motion of *Mr. Evans Browne*, in behalf of counsel for the plaintiff in error. *Mr. Robert Dunlap* for the plaintiff in error. *Mr. Carr W. Taylor* for the defendant in error.

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NO. 264. BOOTH FISHERIES COMPANY, PLAINTIFF IN ERROR, *v. THE PEOPLE OF THE STATE OF ILLINOIS*; and

NO. 265. BOOTH FISHERIES COMPANY, PLAINTIFF IN ERROR, *v. THE PEOPLE OF THE STATE OF ILLINOIS*. In error to the Supreme Court of the State of Illinois. November 10, 1913. Dismissed with costs on motion of counsel for the plaintiff in error. *Mr. John Barton Payne* and *Mr. Silas H. Strawn* for the plaintiff in error. No appearance for the defendant in error.

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NO. 80. THE WESTERN UNION TELEGRAPH COMPANY, APPELLANT, *v. M. E. TRAPP*, AS AUDITOR OF THE STATE OF OKLAHOMA, ET AL. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. November 12, 1913. Dismissed with costs per stipulation of counsel. *Mr. S. T. Bledsoe* for the appellant. *Mr. Charles West* for the appellees.

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NO. 143. THE UNITED STATES OF AMERICA EX RELATIONE GRAND RAPIDS TIMBER COMPANY, PLAINTIFF IN ERROR, *v. WALTER L. FISHER*, SECRETARY OF THE INTERIOR. In error to the Court of Appeals of the District of Columbia. November 13, 1913. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr.*

Cases Disposed of Without Consideration by the Court. 231 U. S.

*Duane E. Fox* for the plaintiff in error. *The Attorney General* for the defendant in error.

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NO. 88. CREAMERY PACKAGE MANUFACTURING COMPANY, PLAINTIFF IN ERROR, *v.* THE STATE OF MINNESOTA. In error to the Supreme Court of the State of Minnesota. November 14, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Geo. C. Frye* and *Mr. Emanuel Cohen* for the plaintiff in error. *Mr. Lyndon A. Smith* for the defendant in error.

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NO. 90. FRED J. BLISS, PETITIONER, *v.* THE WASHOE COPPER COMPANY ET AL. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. November 14, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Robert Lee Clinton*, *Mr. Hannis Taylor* and *Mr. Caleb M. Sawyer* for the petitioner. *Mr. John A. Garver*, *Mr. Jas. M. Beck* and *Mr. L. O. Evans* for the respondents.

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NO. 91. A. EMERSON CROSS, ADMINISTRATOR, ETC., ET AL., PLAINTIFFS IN ERROR, *v.* GRAY'S HARBOR BOOM COMPANY. In error to the Supreme Court of the State of Washington. November 14, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Charles W. Needham* for the plaintiffs in error. No appearance for the defendant in error.

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NO. 764. ELLEN CONNELLEY, ADMINISTRATRIX, ETC., PETITIONER, *v.* THE PENNSYLVANIA RAILROAD COMPANY.



231 U. S. Cases Disposed of Without Consideration by the Court.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. November 17, 1913. Judgment reversed with costs, upon confession of error, on motion of *Mr. Frederic D. McKenney* for the respondent. *Mr. Francis Rawle* for the petitioner. *Mr. J. Hampton Barnes* and *Mr. Frederic D. McKenney* for the respondent.

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No. 493. YOSHIRO NAKAYAMA, APPELLANT, *v.* W. R. MANSFIELD, IMMIGRATION INSPECTOR, ETC. Appeal from the District Court of the United States for the District of Colorado. December 1, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Samuel H. Crosby* for the appellant. *The Attorney General* for the appellee.

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No. 95. MARY B. HERBERT, PLAINTIFF IN ERROR, *v.* S. R. WAGG ET AL. In error to the Supreme Court of the State of Oklahoma. December 3, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. I. N. Watson* for the plaintiff in error. *Mr. Edward Maher* for the defendants in error.

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No. 96. JOHN H. JONES, PLAINTIFF IN ERROR, *v.* DAVID MOULD, JUDGE, ETC., ET AL. In error to the Supreme Court of the State of Iowa. December 3, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Wilbur Owen* for the plaintiff in error. No appearance for the defendants in error.

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No. 101. SELOVER, BATES & COMPANY, PLAINTIFF IN ERROR, *v.* OLE A. FINNES. In error to the Supreme Court

Cases Disposed of Without Consideration by the Court. 231 U. S.

of the State of Minnesota. December 4, 1913. Judgment affirmed with costs per stipulation of counsel. *Mr. Rome G. Brown* and *Mr. Arthur W. Selover* for the plaintiff in error. *Mr. Otto N. Davies* for the defendant in error.

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NO. 106. FRED E. EARNHART, PLAINTIFF IN ERROR, *v.* JOHN B. SWITZLER. In error to the Supreme Court of the State of Oregon. December 5, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Henry H. Gilfry* for the plaintiff in error. *Mr. R. J. Slater* and *Mr. Samuel Herrick* for the defendant in error.

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NO. 110. QUENTIN GARRETT, BY WILLIAM C. GARRETT, HIS NEXT FRIEND, PLAINTIFF IN ERROR, *v.* AMERICAN BAPTIST HOME MISSION SOCIETY ET AL. In error to the Supreme Court of the State of Oklahoma. December 5, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Joseph C. Stone* and *Mr. Benjamin Martin, Jr.*, for the plaintiff in error. No appearance for the defendants in error.

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NO. 117. KAPIOLANI ESTATE (LIMITED), PLAINTIFF IN ERROR, *v.* THE TERRITORY OF HAWAII, BY MARSTON CAMPBELL, COMMISSIONER OF PUBLIC LANDS. In error to the Supreme Court of the Territory of Hawaii. December 8, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. David L. Withington* and *Mr. C. W. Ashford* for the plaintiff in error. *Mr. C. R. Hemenway* for the defendant in error.

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NO. 116. ISAAC N. BOARTS, TRUSTEE, ETC., APPELLANT, *v.* J. M. SELDEN & COMPANY. Appeal from the United

231 U. S. Cases Disposed of Without Consideration by the Court.

States Circuit Court of Appeals for the Third Circuit. December 9, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Harry H. Fisher* and *Mr. Joseph Hill Brinton* for the appellant. No appearance for the appellee.

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NO. 124. PETER J. O'REILLY, PLAINTIFF IN ERROR, *v.* DORA F. NOXON, AS ADMINISTRATRIX, ETC. In error to the Supreme Court of the State of Colorado. December 10, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Henry B. O'Reilly* for the plaintiff in error. No appearance for the defendant in error.

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NO. 129. THEODORE SWENSEN, PLAINTIFF IN ERROR, *v.* THE PEOPLE OF THE STATE OF MICHIGAN. In error to the Supreme Court of the State of Michigan. December 10, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Lawrence Maxwell* and *Mr. Joseph S. Graydon* for the plaintiff in error. *Mr. Franz C. Kuhn* and *Mr. Grant Fellows* for the defendant in error.

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NO. 131. LOUIS F. SWIFT ET AL., APPELLANTS, *v.* LUMAN T. HOY, UNITED STATES MARSHAL IN AND FOR THE NORTHERN DISTRICT OF ILLINOIS. Appeal from the Circuit Court of the United States for the Northern District of Illinois. December 11, 1913. Dismissed, without costs to either party, and cause remanded to the District Court of the United States for the Northern District of Illinois. *Mr. John S. Miller* and *Mr. Levy Mayer* for the appellants. *The Attorney General* for the appellee.

Cases Disposed of Without Consideration by the Court. 231 U. S.

No. 139. JULIO O. ABRIL, PLAINTIFF IN ERROR, *v.* SUCRERIE CENTRALE COLOSO, A CORPORATION. In error to the District Court of the United States for Porto Rico. December 12, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. Willis Sweet* for the plaintiff in error. No appearance for the defendant in error.

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No. 445. JAMES C. YANCEY, APPELLANT, *v.* THE UNITED STATES. Appeal from the District Court of the United States for the Southern District of California. December 15, 1913. Dismissed, on motion of counsel for the appellant. *Mr. Frank Fuller* for the appellant. *The Attorney General* for the appellee.

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No. 261. GRAND LODGE KNIGHTS OF PYTHIAS, NORTH AMERICA, ETC., ET AL., PLAINTIFFS IN ERROR, *v.* SUPREME LODGE KNIGHTS OF PYTHIAS ET AL. In error to the Supreme Court of the State of Tennessee. December 15, 1913. Judgment reversed with costs, on confession of error by defendants in error, and cause remanded for further proceedings. *Mr. Samuel A. T. Watkins*, *Mr. Benjamin F. Booth* and *Mr. M. T. Bryan* for the plaintiffs in error. *Mr. John H. DeWitt* for the defendants in error.

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No. 147. THE UNITED STATES TRUST COMPANY OF THE DISTRICT OF COLUMBIA, ANCILLARY ADMINISTRATOR, ETC., APPELLANT, *v.* THE NATIONAL SAVINGS & TRUST COMPANY OF THE DISTRICT OF COLUMBIA, ADMINISTRATOR, ETC. Appeal from the Court of Appeals of the District of Colum-

231 U. S.

Cases Disposed of in Vacation.

bia. December 15, 1913. Dismissed with costs, pursuant to the tenth rule. *Mr. J. H. Ralston* for the appellant. *Mr. J. J. Darlington* for the appellee.

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No. 587. THOMAS C. PERKINS ET AL., PLAINTIFFS IN ERROR, *v.* ARTHUR C. COFFIN ET AL. In error to the Supreme Court of Errors of the State of Connecticut. January 5, 1914. Dismissed, per stipulation of counsel. *Mr. Lucius F. Robinson* for the plaintiffs in error. *Mr. John R. Buck* and *Mr. John H. Buck* for the defendants in error.

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No. 778. W. A. GAINES & COMPANY, APPELLANT, *v.* THE TURNER-LOOKER COMPANY. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. January 5, 1914. Dismissed with costs, on motion of counsel for the appellant. *Mr. Jas. Love Hopkins* for the appellant. No appearance for the appellee.

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#### CASE DISPOSED OF IN VACATION.

No. 25. THE RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* THE COMMONWEALTH OF VIRGINIA. In error to the Supreme Court of Appeals of the State of Virginia. July 15, 1913. Dismissed, pursuant to the 28th rule. *Mr. A. Caperton Braxton*, *Mr. John S. Eggleston*, *Mr. Alexander Pope Humphrey* and *Mr. William H. White* for the plaintiff in error. *Mr. Samuel W. Williams* for the defendant in error.